

1954

August 13

Parker L. Hancock, Warden
New Hampshire State Prison
Concord, New Hampshire

Dear Warden Hancock:

In a letter of August 11th, 1954 you advert to the cases of females who are transferred by the Trustees of the Industrial School into your custody and by you transferred, under your contract, to the Women's Reformatory at Rutland, Vermont. You inquire as to the legality of such procedure where females between the ages of sixteen and eighteen are concerned.

Upon an examination of the pertinent statutes (R.L., c.463, as amended, and R.L., c.464), we note that the reception into the State Prison of children committed to the Industrial School raises some difficult questions of law; and this is particularly true with respect to children originally committed to the Industrial School under the provisions of R.L., c.132.

The present question, however, may be answered solely upon a consideration of the powers of the Trustees of the State Prison with respect to female prisoners. The Trustees may contract with the authorities of other states for the care, custody, maintenance and confinement in institutions of such other states of "females convicted under the laws of this state of offenses punishable by imprisonment in the state prison." (R.L., c.464, s.34) Consistently with this provision, the Trustees have made a contract with the State of Vermont for the keeping of "women who are sentenced to confinement at hard labor".

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CONCORD, N.H.

Parker L. Hancock, Warden

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Before, then, it can be determined whether females, regardless of their ages, may be received by you from the Industrial School and retransferred by you to the Vermont institution, it will be necessary for you to ascertain whether such females have been "convicted under the laws of this state of offenses punishable by imprisonment in the state prison" and, that they have been "sentenced to confinement at hard labor".

Thus, as an example, the female who has been committed to the Industrial School merely as a delinquent may not be received by you and transferred to the Women's Reformatory, under your statutory powers and the contract made pursuant thereto.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEN/T